

his obligations to his client by abandoning him during the sentencing proceedings:

a. The Probation Department sent a draft of the Presentence Investigation Report (“PSI”) to Mr. Tiffany on September 30, 2009, to which he did not respond. The Probation Department sent the final PSI (reflecting the government’s comments) to Mr. Tiffany on October 9, 2009. Defendant himself received the final PSI. Thus Mr. Tiffany’s statement in his email that “my office has yet to receive a copy of the PSR and make appropriate comments relative to the same” is false.

b. On August 12, 2009, the Court wrote to the AUSA and Mr. Tiffany stating: “Enclosed is a copy of a letter which I received from Dr. Hana Elezi, a social rehabilitation therapist who has been treating John Tagliaboschi. Dr. Elezi’s suggestions have a bearing upon the appropriate sentence to be imposed upon Mr. Tagliaboschi and I will be delighted to have your comments prior to the sentencing date.” Mr. Tiffany never responded.

c. On August 14, 2009, the U.S. Probation Officer arranged with Mr. Tiffany to interview Defendant at the Hudson County Jail on August 26, 2009. On August 26 Defendant’s attorney, Mr. Tiffany, did not appear as scheduled and a full interview could not be conducted.

d. Defendant’s family members have repeatedly attempted to reach Mr. Tiffany, and he has failed to respond to their telephone calls or otherwise communicate with them.

e. The Probation Officer has attempted to communicate with Mr. Tiffany on numerous occasion and, Mr. Tiffany’s telephone rang but was never answered.

f. On October 13, 2009, the Court wrote to AUSA Lisa M. Colone, with a copy to Mr. Tiffany and U.S.P.O. David M. Sternberg stating, among other things:

This letter is to advise you that at the time of sentencing I propose to consider on my own initiative a U.S.S.G. § 5K2.13 Diminished Capacity downward departure for the Defendant. This is based upon

the PSI, which includes information concerning Defendant's family and psychiatric status . . . [listing, other documents upon which the Court would rely].

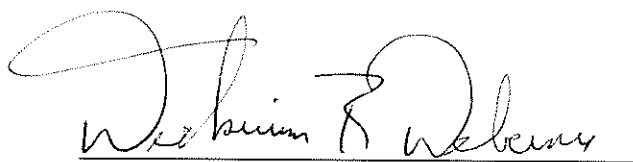
Mr. Tiffany did not respond to this letter.

g. Notwithstanding the scheduled October 19, 2009 sentencing date, at which, under the Plea Agreement, Defendant faced a sentence of 140-175 months, Mr. Tiffany by August 16 had failed to review the PSI, had failed to comment concerning it, and had failed to submit a sentencing memorandum.

h. As an excuse for these deficiencies Mr. Tiffany falsely stated in a message to the Court, "my office has yet to receive a copy of the PSR . . ."

It is this 19th day of October, 2009;

ORDERED that on November 2, 2009, John E. Tiffany, Esq., the Defendant and the United States show cause why an order should not be entered (1) relieving John E. Tiffany, Esq. as counsel for Defendant, (2) appointing new counsel for Defendant if Defendant does not retain his own counsel; and (3) referring John E. Tiffany, Esq., for appropriate disciplinary proceedings.


DICKINSON R. DEBEVOISE
U.S.S.D.J.

cc: Garrett E. Brown, Jr., Chief Judge
Lisa M. Colone, AUSA
Mr. John Tagliaboschi
David M. Sternberg, U.S. Probation Officer
Beth L. Neugass, Supervising U.S. Probation Officer